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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

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September 18, 2007

The Honorable Henry A. Waxman  
Chairman  
Committee on Oversight and Government Reform  
2157 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Waxman:

I write to request that you convene a hearing on The New York Times's possible in-kind political contribution to MoveOn.org in the form of a discounted advertising rate for its September 10, 2007 ad calling General David Petraeus "General Betray Us." According to at least one published report, MoveOn.org admitted that it paid \$65,000 for the ad while The New York Times admitted that the "open rate" for such an ad is \$181,000.<sup>1</sup> The discount for political advertising could constitute an unlawful campaign contribution.

The Committee should hold a hearing to examine whether the advertising rates and practices of media companies conceal unlawful campaign contributions. The difference between the "open rate" and the actual rate paid by MoveOn.org raises the possibility that The New York Times, as a media company not subject to campaign finance restrictions for its own messages, unlawfully subsidized the message of MoveOn.org by giving it a discounted rate for its advertisement.

The Committee should examine the following questions:

1. What was The New York Times advertising rate structure in effect at the time the ad was placed on September 10, 2007?

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<sup>1</sup> Parsons, Claudia, *NY Times Criticized for ad attacking Petraeus*, Reuters (Sept. 13, 2007)(available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/13/AR2007091301148.html>)

2. Was any other advertiser offered a similar rate for a full-page ad on that date or within 30 days immediately preceding the September 10, 2007 placement of the ad. What rates were they offered?
3. Why did MoveOn.org pay approximately one third of the "open rate?"
4. Are campaign finance laws that prohibit media companies from making campaign contributions with corporate funds in the form of discounts for political advertising enforceable?

The discounted rate, even if justified in some way under the rate structure in existence at the time the ad was placed, may only reflect the manipulation of rates to support political causes favored by a media company's publishers. In its rulings on campaign finance laws, the Supreme Court has long recognized "the governmental interest in preventing corruption and the appearance of corruption."<sup>2</sup> Discounted rates for political advertisements give at least the appearance of corruption that campaign finance laws were intended to address.

Thank you for your consideration of this request.

Sincerely,



Tom Davis  
Ranking Member

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<sup>2</sup> Buckley v. Valeo, 424 U.S. 1, 45 (1976)(emphasis supplied); see also FEC v. Wisconsin Right to Life, 127 S.Ct 2652, 2672 (quoting Buckley) (2007); and McConnell v. FEC, 540 U.S. 93, 120 (2003)(quoting Buckley).